

**Education Cabinet**

**Kentucky Board of Education**

**Department of Education**

**(Amendment)**

**702 KAR 7:065. Designation of agent to manage high school interscholastic athletics.**

RELATES TO: KRS 156.070(2)

STATUTORY AUTHORITY: KRS 156.070(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.070(2) requires the Kentucky Board of Education (KBE) to manage and control the common schools, including interscholastic athletics in the schools, and authorizes the KBE to designate an agency to manage athletics. This administrative regulation designates an agent for high school athletics; establishes the financial planning and review processes for the agent; and incorporates by reference the bylaws, procedures and rules of the agent.

Section 1. The Kentucky High School Athletic Association (KHSAA) shall be the Kentucky Board of Education's agent to manage interscholastic athletics at the high school level in the common schools, including a private school desiring to associate with KHSAA and to compete with a common school.

Section 2. To remain eligible to maintain the designation as the agent to manage interscholastic athletics, the KHSAA shall:

- (1) Accept four (4) at-large members appointed by the Kentucky Board of Education to its governing body;
- (2) Sponsor an annual meeting of its member schools;
- (3) Provide for each member school to have a vote on constitution and bylaw changes submitted for consideration;
- (4) Provide for regional postseason tournament net revenues to be distributed to the member schools in that region participating in that sport, utilizing a share approach determined by the schools within that region playing that sport;
- (5) Require its governing body to annually establish goals and objectives for its commissioner and perform a self-assessment and submit the results annually to the KBE by October 31;
- (6) Advise the Department of Education of all legal action brought against the KHSAA by October 31;
- (7) Permit a board of control member to serve a maximum of two (2) consecutive four (4) year terms with no region represented for more than eight (8) consecutive years;
- (8) Employ a commissioner and evaluate that person's performance annually by October 31, and establish all staff positions upon recommendation of the commissioner;
- (9) Permit the commissioner to employ other personnel necessary to perform the staff responsibilities;
- (10) Permit the Board of Control to assess fines on a member school;
- (11) Utilize a trained independent hearing officer instead of an eligibility committee for an appeal;
- (12) Establish a philosophical statement of principles to use as a guide in an eligibility case;

- (13) Conduct field audits of the association's entire membership over a five (5) year period regarding each school's compliance with 20 U.S.C. Section 1681 (Title IX) and submit summary reports including the highlighting of any deficiencies in compliance on a regular (not less than three (3) times annually) basis to the Kentucky Board of Education as requested;
- (14) As a condition precedent to membership, require each member school and superintendent to annually submit a written certification of compliance with 20 U.S.C. Section 1681 (Title IX);
- (15) Conduct all meetings in accordance with KRS 61.805 through 61.850;
- (16) Provide written reports of any investigations into possible violations of statute, administrative regulation, KHSAA Constitution, bylaws, and other rules governing the conduct of interscholastic athletics conducted by KHSAA or their designees to the superintendent and principal of the involved school district and school prior to being made public; and
- (17) Not punish or sanction, in any manner, a school, student, coach, or administrator for allowing a student to play in an athletic contest or practice with the team during a time when an order of a court of competent jurisdiction permits the student to participate or otherwise stays or enjoins enforcement of a KHSAA final decision on eligibility.

Section 3. Financial Planning and Review Requirements. (1) KHSAA shall annually submit the following documents to the KBE by October 31:

- (a) Draft budget for the next two (2) fiscal years, including the current year;
- (b) End-of-year budget status report for the previous fiscal year;
- (c) Revisions to the KHSAA Strategic Plan as a result of an annual review of the plan by the KHSAA governing body;

(d) A summary report of operations including summaries of financial, legal, and administrative actions taken and other items ongoing within KHSAA. This report shall also include a summary of items affecting:

1. Athletic appeals and their disposition including the name of the individual, grade, school, and the action taken by KHSAA;
2. Eligibility rules;
3. Duties of school officials;
4. Contests and contest limitations;
5. Requirements for officials and coaches; and
6. Results of a biennial review of its bylaws that results in a recommendation for a change, directing any proposals for change in association rules to be considered for vote by the member schools at the next legislative opportunity; and

(e) A review of all items which have been submitted to the membership for approval through the processes established in the KHSAA Constitution and the result of the voting on those issues.

(2) The KHSAA shall annually submit by December 31, audited financial statements with the KHSAA Commissioner's letter addressing exceptions or notes contained in management correspondence, if any.

Section 4. The bylaws, and due process procedures, Board of Control policies, membership renewal application, new member application, of the KHSAA Handbook, Fall, 2012, shall apply to high school interscholastic athletics in Kentucky.

Section 5. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "KHSAA Constitution", 4/2009;
- (b) "KHSAA Bylaws", 4/2012;

- (c) "KHSAA Due Process Procedure", 4/2012;
- (d) "KHSAA Board of Control Policies", 4/2012;
- (e) "KHSAA Officials Division Guidebook", 4/2012;
- (f) "KHSAA Form BA101- Baseball Pitching Limitation", 4/2009;
- (g) "KHSAA Form FB102- Football Financial Report", 9/7/2009;
- (h) "KHSAA Form FB103- Football Spring Football Practice", 4/2011;
- (i) "KHSAA Form FB109- Football Scrimmage Report", 7/2009;
- (j) "KHSAA Form FB122- Football Contact Practice Log", 6/2009;
- (k) "KHSAA Form GE1- Membership Renewal", 5/2011;
- (l) "KHSAA Form GE2- New Membership Application", 5/2011;
- (m) "KHSAA Form GE3- Participation List", 4/2009;
- (n) "KHSAA Form GE4- Physician & Parental Permission Form", 4/2009;
- (o) "KHSAA Form GE6- Domestic Transfer", 5/2011;
- (p) "KHSAA Form GE7- Non Domestic Eligibility", 5/2011;
- (q) "KHSAA Form GE14- Contract for Athletic Contests", 4/2009;
- (r) "KHSAA Form GE16- Statutory Waiver of Bylaw 3", 5/2011;
- (s) "KHSAA Form GE18- Survey for Sports Offerings", 5/2011;
- (t) "KHSAA Form GE19- Title IX Procedures Verification", 5/2011;
- (u) "KHSAA Form GE20- Heat Index Record", 4/2009;
- (v) "KHSAA Form GE26- Financial Aid Report", 5/2011;
- (w) "KHSAA Form GE35- Waiver - 20 Day Notice", 5/2011;
- (x) "KHSAA Form GE36- Add. Info for Appeal", 5/2011;
- (y) "KHSAA Form GE39- Report of Need Based Financial Aid Awarded", 5/2011;

- (z)" KHSAA Form GE52- District Tournament Financial Report, 5/2011;
- (aa)" KHSAA Form GE53- Region Tournament Financial Report", 5/2011;
- (bb)" KHSAA Form GE69- Waiver - 15 Day Exceptions", 5/2011;
- (cc)" KHSAA Form SO103- Soccer Section/SubSection Financial Report", 5/2011;
- (dd)"KHSAA Form T1- Title IX Accom. Of Interests & Abilities", 5/2011;
- (ee)"KHSAA Form T2- Title IX Accom. Of Interests & Abilities", 5/2011;
- (ff)"KHSAA Form T3- Title IX Accom. Of Interests & Abilities", 5/2011;
- (gg)"KHSAA Form T35- Title IX Actual Expenditures Comparison 1 + Booster Club", 5/2011;
- (hh)"KHSAA Form T36- Title IX Actual Expenditures Comparison 2 + Booster Club", 5/2011;
- (ii)"KHSAA Form T4- Title IX Accom. Of Interests & Abilities", 5/2011;
- (jj)"KHSAA Form T41- Title IX Athletics Audit Checklist", 5/2011;
- (kk)"KHSAA Form T50- Title IX Title IX Re-Visit",5/2011;
- (ll)"KHSAA Form T60- Title IX Corrective Action", 5/2011;
- (mm)"KHSAA Form T61- Title IX Interscholastic Athletics Student Survey", 5/2011;
- (nn)"KHSAA Form T63- Title IX Interscholastic Athletics Survey", 5/2011;
- (oo)"KHSAA Form T70- Title IX Participation Opportunities", 5/2011;
- (pp)"KHSAA Form T71- Title IX Benefits - Summary 1", 5/2011;
- (qq)"KHSAA Form T72- Title IX Benefits - Summary 2", 5/2011;
- (rr)"KHSAA Form T73- Title IX Re-Visit - Publicity Support Group", 5/2011;
- (ss)"KHSAA Form T74- Title IX Re-Visit – Corrective Action Summary Chart", 5/2011
- (tt)"KHSAA Form WR101- Wrestling Permission Form", 12/2009;
- (uu)"KHSAA Form WR111- Wrestling Skin Condition & Unconscious", 5/2011;
- (vv)"KHSAA Form WR126- Wrestling Weight Certif. Program Assessor", 9/2009.